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SENATE BILL 6534

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State of Washington

58th Legislature

2004 Regular Session

By Senators Hargrove and Mulliken

Read first time 01/22/2004. Referred to Committee on Land Use & Planning.

1 AN ACT Relating to the siting and designating processes of  
2 industrial land banks; and amending RCW 36.70A.367.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 **Sec. 1.** RCW 36.70A.367 and 2003 c 88 s 1 are each amended to read  
5 as follows:

6 (1) In addition to the major industrial development allowed under  
7 RCW 36.70A.365, a county planning under RCW 36.70A.040 that meets the  
8 criteria in subsection (9) or (10) of this section may establish, in  
9 consultation with cities consistent with provisions of RCW 36.70A.210,  
10 a process for designating a bank of no more than two master planned  
11 locations for major industrial activity outside urban growth areas.

12 (2) A master planned location for major industrial developments  
13 outside an urban growth area may be included in the urban industrial  
14 land bank for the county if criteria including, but not limited to, the  
15 following are met:

16 (a) Through the comprehensive planning process:

17 (i) Development regulations are adopted to ensure that urban growth  
18 will not occur in adjacent nonurban areas;

1       (ii) The master plan for the major industrial developments is  
2 consistent with the county's development regulations adopted for  
3 protection of critical areas;

4       (iii) An inventory of developable land has been conducted as  
5 provided in RCW 36.70A.365;

6       (iv) Provisions are established for determining the availability of  
7 alternate sites within urban growth areas and the long-term annexation  
8 feasibility of land sites outside of urban growth areas; and

9       (v) Development regulations require the industrial land bank site  
10 to be used primarily for locating industrial and manufacturing  
11 businesses and specify that the gross floor area of all commercial and  
12 service buildings or facilities locating within the industrial land  
13 bank shall not exceed ten percent of the total gross floor area of  
14 buildings or facilities in the industrial land bank. The commercial  
15 and service businesses operated within the ten percent gross floor area  
16 limit shall be necessary to the primary industrial or manufacturing  
17 businesses within the industrial land bank. The intent of this  
18 provision for commercial or service use is to meet the needs of  
19 employees, clients, customers, vendors, and others having business at  
20 the industrial site and as an adjunct to the industry to attract and  
21 retain a quality work force and to further other public objectives,  
22 such as trip reduction. Such uses would not be promoted to attract  
23 additional clientele from the surrounding area. The commercial and  
24 service businesses should be established concurrently with or  
25 subsequent to the industrial or manufacturing businesses;

26       (b) The process for reviewing and approving proposals to authorize  
27 siting of specific major industrial developments within an approved  
28 industrial land bank ensures:

29       (i) New infrastructure is provided for and/or applicable impact  
30 fees are paid;

31       ~~((b))~~ (ii) Transit-oriented site planning and traffic demand  
32 management programs are implemented;

33       ~~((c))~~ (iii) Buffers are provided between the major industrial  
34 development and adjacent nonurban areas;

35       ~~((d))~~ (iv) Environmental protection including air and water  
36 quality has been addressed and provided for;

37       ~~((e) Development regulations are established to ensure that urban~~  
38 ~~growth will not occur in adjacent nonurban areas;~~

1       ~~(f))~~ (v) Provision is made to mitigate adverse impacts on  
2 designated agricultural lands, forest lands, and mineral resource  
3 lands;

4       ~~((g) The plan for the major industrial development is consistent  
5 with the county's development regulations established for protection of  
6 critical areas;~~

7       ~~(h) An inventory of developable land has been conducted as provided  
8 in RCW 36.70A.365;~~

9       ~~(i))~~ (vi) An interlocal agreement related to infrastructure cost  
10 sharing and revenue sharing between the county and interested cities  
11 ~~((are [is]))~~ is established;

12       ~~((j) Provisions are established for determining the availability  
13 of alternate sites within urban growth areas and the long term  
14 annexation feasibility of land sites outside of urban growth areas; and~~

15       ~~(k) Development regulations require the industrial land bank site  
16 to be used primarily for locating industrial and manufacturing  
17 businesses and specify that the gross floor area of all commercial and  
18 service buildings or facilities locating within the industrial land  
19 bank shall not exceed ten percent of the total gross floor area of  
20 buildings or facilities in the industrial land bank. The commercial  
21 and service businesses operated within the ten percent gross floor area  
22 limit shall be necessary to the primary industrial or manufacturing  
23 businesses within the industrial land bank. The intent of this  
24 provision for commercial or service use is to meet the needs of  
25 employees, clients, customers, vendors, and others having business at  
26 the industrial site and as an adjunct to the industry to attract and  
27 retain a quality work force and to further other public objectives,  
28 such as trip reduction. Such uses would not be promoted to attract  
29 additional clientele from the surrounding area. The commercial and  
30 service businesses should be established concurrently with or  
31 subsequent to the industrial or manufacturing businesses.))~~

32       (3) In selecting master planned locations for inclusion in the  
33 urban industrial land bank, priority shall be given to locations that  
34 are adjacent to, or in close proximity to, an urban growth area.

35       (4) Final approval of inclusion of a master planned location in  
36 ~~((the))~~ an urban industrial land bank under subsection (2)(a) of this  
37 section shall be considered an adopted amendment to the comprehensive  
38 plan adopted pursuant to RCW 36.70A.070, except that RCW 36.70A.130(2)

1 does not apply so that inclusion or exclusion of master planned  
2 locations may be considered at any time. Approval of specific  
3 development proposals under subsection (2)(b) of this section requires  
4 no further comprehensive plan amendment.

5 (5) Once a master planned location has been included in ~~((the))~~ an  
6 urban industrial land bank, manufacturing and industrial businesses  
7 that qualify as major industrial development under RCW 36.70A.365 may  
8 be located there.

9 (6) Nothing in this section ~~((may be construed to))~~ alters the  
10 requirements for a county to comply with chapter 43.21C RCW.

11 (7)~~((a))~~ The authority of a county meeting the criteria of  
12 subsection (9) of this section to engage in the process of including or  
13 excluding master planned locations from ~~((the))~~ an urban industrial  
14 land bank ~~((shall))~~ terminates on December 31, 2007. However, any  
15 location included in ~~((the))~~ an urban industrial land bank on or before  
16 December 31, 2007, shall be available for major industrial development  
17 as long as the criteria of subsection (2) of this section are met. A  
18 county that has established or proposes to establish an industrial land  
19 bank pursuant to this section shall review the need for an industrial  
20 land bank within the county, including a review of the availability of  
21 land for industrial and manufacturing uses within the urban growth  
22 area, during the review and evaluation of comprehensive plans and  
23 development regulations required by RCW 36.70A.130.

24 ~~((b) The authority of a county meeting the criteria of subsection~~  
25 ~~(10) of this section to engage in the process of including or excluding~~  
26 ~~master planned locations from the urban industrial land bank terminates~~  
27 ~~on December 31, 2002. However, any location included in the urban~~  
28 ~~industrial land bank on December 31, 2002, shall be available for major~~  
29 ~~industrial development as long as the criteria of subsection (2) of~~  
30 ~~this section are met.))~~

31 (8) For the purposes of this section~~((7))~~:

32 (a) "Major industrial development" means a master planned location  
33 suitable for manufacturing or industrial businesses that: ~~((a))~~ (i)  
34 Requires a parcel of land so large that no suitable parcels are  
35 available within an urban growth area; ~~((or (b))~~ (ii) is a natural  
36 resource-based industry requiring a location near agricultural land,  
37 forest land, or mineral resource land upon which it is dependent; or  
38 ~~((c))~~ (iii) requires a location with characteristics such as

1 proximity to transportation facilities or related industries such that  
2 there is no suitable location in an urban growth area. The major  
3 industrial development may not be for the purpose of retail commercial  
4 development or multitenant office parks.

5 (b) "Industrial land bank" means a parcel or parcels of contiguous  
6 land, sufficiently large so as not to be readily available within the  
7 urban growth area of a city, or otherwise meeting the criteria  
8 contained in (a) of this subsection, suitable for manufacturing,  
9 industrial, or commercial businesses and designated by the county  
10 through the comprehensive planning process specifically for major  
11 industrial use. Two such land banks may be designated within a county  
12 subject to the requirements of this section. Once designated, proposed  
13 master planned locations and individual project developments within the  
14 industrial land bank must demonstrate that they meet the criteria of  
15 subsection (2)(b) of this section.

16 (9) This section and the termination date specified in subsection  
17 (7)(a) of this section apply to a county that at the time the process  
18 is established under subsection (1) of this section:

19 (a) Has a population greater than two hundred fifty thousand and is  
20 part of a metropolitan area that includes a city in another state with  
21 a population greater than two hundred fifty thousand;

22 (b) Has a population greater than one hundred forty thousand and is  
23 adjacent to another country;

24 (c) Has a population greater than forty thousand but less than  
25 seventy-five thousand and has an average level of unemployment for the  
26 preceding three years that exceeds the average state unemployment for  
27 those years by twenty percent; and

28 (i) Is bordered by the Pacific Ocean;

29 (ii) Is located in the Interstate 5 or Interstate 90 corridor; or

30 (iii) Is bordered by Hood Canal;

31 (d) Is east of the Cascade divide; and

32 (i) Borders another state to the south; or

33 (ii) Is located wholly south of Interstate 90 and borders the  
34 Columbia river to the east; or

35 (e) Has an average population density of less than one hundred  
36 persons per square mile as determined by the office of financial  
37 management, and is bordered by the Pacific Ocean and by Hood Canal.

1           (10) (~~This section and the termination date specified in~~  
2 ~~subsection (7)(b) of this section apply to~~) A county that at the time  
3 the process is established under subsection (1) of this section:

4           (a) Has a population greater than forty thousand but fewer than  
5 eighty thousand;

6           (b) Has an average level of unemployment for the preceding three  
7 years that exceeds the average state unemployment for those years by  
8 twenty percent; and

9           (c) Is located in the Interstate 5 or Interstate 90 corridor;

10           (d) May no longer engage in the process of including or excluding  
11 master planned locations from an urban industrial land bank. Any  
12 location included in an urban industrial land bank on December 31,  
13 2002, shall be available for major industrial development as long as  
14 the criteria of subsection (2) of this section are met.

15           (11) Any location included in an industrial land bank pursuant to  
16 section 2, chapter 289, Laws of 1998, section 1, chapter 402, Laws of  
17 1997, and section 2, chapter 167, Laws of 1996 shall remain available  
18 for major industrial development according to this section as long as  
19 the criteria of subsection (2) of this section continue to be  
20 satisfied.

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